

ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FREQUENTLY ASKED QUESTIONS -- FFY 2021

▪ ***Is there a deadline for submitting a TAP application?***

The deadline for submitting a 2021 TAP application is June 1, 2021 at 4:00 p.m. (CDT).

▪ ***Who can apply for the TAP?***

Under 23 USC 213(c)(4)(B), the eligible entities to receive TAP funds are:

- local governments;
- regional transportation authorities;
- transit agencies;
- natural resource or public land agencies;
- school districts, local education agencies, or schools;
- tribal governments; and
- any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23

▪ ***Can nonprofit organizations apply for the TAP?***

Nonprofit organizations are not eligible as direct grant recipients for TAP funds unless they qualify through one of the eligible entity categories (e.g., where a nonprofit organization is a designated transit agency or a school). However, nonprofits are eligible to partner with any eligible entity on an eligible TAP project.

▪ ***Can an applicant apply for more than one project?***

If a sponsor wishes to apply for more than one project, separate applications for each project must be submitted and they must be prioritized by the applicant.

▪ ***How do I fill out and send in the application?***

The application this year is a fillable PDF form. You should be able to type directly into the form and save it to your own computer. Read the questions in the application carefully. Determine what information is required and provide the information in the space provided. Use the application in the form received.

Do not skip any questions on the application. Do not omit the budget sheet(s).

The fillable form includes space for 20 items on the budget sheet. If you have more than 20 items in your construction cost estimate, please use the Excel© sheet provided with the application. This Excel© sheet also includes a tab for you to utilize when trying to determine your overall budget for the project, not just the construction phase.

Please submit an electronic copy of the application and required attachments to LFPA@ardot.gov. If necessary, a physical copy of the original application with attachments will be accepted. Any physical copies should be mailed to the address on the application packet.

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- ***Do I need to include proof of support for the project?***
It is not necessary to provide copies of letters from individuals supporting your project unless they are indicating a financial commitment to the project as requested in the application; however, they may be submitted if you so choose.
- ***What should be included on the project location map?***
At minimum, your project location map should include the project path, relevant landmarks, a north arrow, a legend if necessary, and a scale.
- ***Is there a required match for my project?***
The TAP requires matching local funds of at least 20% of the project costs. Additional consideration may be given to projects whose match exceeds the minimum required. This is a cash match; donations of land, labor, or time **will not** count towards this 20%.
- ***Is there a minimum funding request?***
Projects containing infrastructure components shall have a minimum requested federal funding amount of \$20,000. This would mean a total project cost of \$25,000 including the required local match. There will be no minimum requested funding amount on projects containing only non-infrastructure components.
- ***Is there a maximum funding request?***
All TAP projects will have a maximum requested federal funding amount of \$500,000. This would mean a total project cost of \$625,000 including the required local match; however, providing a match greater than 20% for a larger project is also acceptable.
- ***Is using deductive/additive alternates an option?***
Yes. Using deductive/additive alternates may be used to keep the project on budget.
- ***Does the Freedom of Information Act require that we give out cost estimates to bidding contractors?***
No. The Freedom of Information Act exemptions can be found at <http://www.FOIA.gov>.
- ***If another organization is donating to the project can they write a check directly to ARDOT?***
No. Any local match must be received from the project sponsor.
- ***Are resolutions accepted after the application deadline?***
Exceptions may be granted on a case by case basis for extenuating circumstances. Please make every possible effort to submit the resolution with the application.

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▪ ***Are there any other costs that need to be accounted for?***

On all TAP projects, a 1% administrative fee will be required based on the low-bid construction amount. This amount will be capped at 1% of the award amount plus the minimum match.

○ ***What is the purpose of the administrative fee?***

The administrative fee pays for ARDOT's costs associated with oversight and assistance for your project. This pays for design reviews, environmental documentation and construction oversight.

○ ***Can I use some of the awarded federal funds to pay this fee?***

No. TAP funds may only be used for construction costs.

○ ***When is the administrative fee due to ARDOT?***

The administrative fee should be submitted to ARDOT with the request for concurrence in award.

▪ ***Why might my project scope be reduced?***

The TAP Advisory Committee (TAPAC) may choose to reduce the project scope for multiple reasons. Exclusion of ineligible items or available funding constraints are common examples. Having the project scope broken into phases will assist the TAPAC in selecting the most appropriate funding amount if funding constraints are encountered.

▪ ***If all the requested funds are not received, can the local match be increased rather than the project scope decreasing?***

Yes.

▪ ***Would a bicycle share program be eligible for funding under TAP?***

Yes, for construction/installation costs only.

▪ ***Are contingency costs allowed in the estimate?***

Including contingency will not cause your project to be deemed ineligible. However, contingency does not qualify as an eligible cost and federal funds will not be awarded to cover this amount.

▪ ***What expenses qualify for reimbursement under the TAP?***

Per ARDOT guidelines, only construction costs are eligible for reimbursement. At the Department's sole discretion, other phases of large, regionally-significant projects may be awarded federal funds.

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▪ ***What expenses do not qualify for reimbursement under the TAP?***

Design, right of way acquisition, and utility relocation are some examples of expenses which are not eligible for reimbursement. At the Department's sole discretion, other phases of large, regionally-significant projects may be awarded federal funds.

In addition, advertising costs incurred during the bid process, general recreation and park facilities, playground equipment, decorative fountains, welcome signs, sports fields, campgrounds, picnic amenities, and pavilions are also not eligible for reimbursement.

▪ ***Are landscaping costs eligible under the TAP?***

Yes. However, landscaping with non-native plant species is not eligible for federal funds.

▪ ***What are the likely design requirements that my project must meet?***

Previously we have allowed projects to be designed by a Licensed Architect. Starting with the 2017 application cycle, all projects that include infrastructure components will require design by a Registered Professional Engineer. Due to the diversity of projects funded by the TAP, further design requirements will vary with each project. For project specific questions please contact LFPA@ardot.gov.

▪ ***Does my project need to be in compliance with the Americans with Disabilities Act (ADA)?***

Yes, all federally funded projects require ADA compliance. However, if applicable, some design exceptions may be allowed on a case by case basis.

▪ ***What documentation is required for the maintenance commitment?***

A statement from the party having maintenance jurisdiction should be attached to the application. In the statement, describe how maintenance will be accomplished after project completion. Include who will perform maintenance, a maintenance schedule and checklist, and an inspection schedule. This certification of ownership and maintenance may also be included in the resolution of support provided by the applicant.

▪ ***What if the city plans to widen the road in the next few years and tears out the new sidewalks paid for by the TAP?***

It is the responsibility of the city to replace the sidewalks.

▪ ***What documentation is required if the proposed project is located on state highway right of way?***

The ARDOT local district office can help supply verification of state right of way. If the project is located within ARDOT right of way, coordination with ARDOT right of way and district personnel will occur during the design of the project.

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- ***Who is responsible for initiating the National Environmental Protection Agency process?***

ARDOT will provide routine environmental documentation for TAP projects. Other documents, such as permits from the U.S. Fish and Wildlife Service (USFWS) or the U.S. Army Corps of Engineers (USACE) will be the responsibility of the sponsor. If your project will require a more extensive environmental document due to environmentally-sensitive areas included in your project, you may be required to hire a consultant to prepare the environmental document for the project. This would not be Federal-aid eligible under this program.

- ***Does the TAP require projects to follow the Buy America Act?***

Yes. The Buy America Act applies to all projects receiving TAP funding.

- ***Are the Davis-Bacon requirements the sponsor's responsibility or ARDOT's?***

It will be the sponsor's responsibility to ensure all Davis-Bacon requirements are followed.

- ***What if project costs increase after funds have been awarded?***

Since the amount of the TAP award does not increase if the construction costs increase, the percentage of the local cash match will increase. The project sponsor is responsible for increased costs, regardless of the cash match identified in the original TAP application and the Agreement of Understanding. This includes relevant change orders for the project.

- ***What do I need to consider if I anticipate that property (right of way) will need to be acquired for my project?***

When the acquisition of real property is required for any federally-funded project, and/or persons are displaced as a result of the acquisition, demolition, or rehabilitation, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 "The Uniform Act" must be followed to ensure fair and consistent treatment is given to those persons. **Do not start acquiring property now.** To expedite the acquisition, it is very important to reach out to ARDOT throughout the entire process to assure that all Federal and State requirements are met. You may familiarize yourself with "The Uniform Act", as well as obtain electronic versions of the Federal Highway Administration's brochures on acquisition and relocation by visiting https://www.fhwa.dot.gov/real_estate/index.cfm.

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▪ ***Common ineligible items for Arkansas TAP funds.***

When applying for TAP funds, please avoid including the following items in requests for funding, as they are not deemed eligible:

- engineering fees
- utility relocation fees
- advertising costs
- general recreation and park facilities
- playground equipment
- fancy or ornate entrance/name signs
- welcome signs
- sports fields
- campgrounds
- picnic amenities
- decorative fountains
- pavilions
- contingency
- “miscellaneous” or “other”